

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 23, 2001 LB 773

SENATOR CHAMBERS: ...so I'm going to ask you, are you starting the time to run from the point of arrest and then you work backward, or is there some incident that took place and then you count forward from that incident?

SENATOR BROMM: I...I...now I think I understand your question, Senator Chambers. You would count forward from that incident. I don't think...the arrest might actually occur some time after the operation of the vehicle had ceased and this statute proposal speaks about three hours from time of operation.

SENATOR CHAMBERS: So how do you prove that the person who is stopped some time later was the one operating it at the time that whatever the incident was took place?

SENATOR BROMM: Well, that would be a matter of, again, that would be a matter of proof, it could... under the given circumstances. If it's a typical situation that I just was talking about where the officer stopped the vehicle, obviously, "ABC" person is in the driver's seat. But in a different case where maybe an accident had occurred, it might take proof from witnesses or supplemental evidence to establish who was actually operating the vehicle.

SENATOR CHAMBERS: But wouldn't you agree that we must be talking about starting to count from a prior point because if, at the time...

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: ...of the arrest, the person measures the appropriate amount of alcohol in the blood, you don't need to worry about three hours or anything else. It's only a situation where an arrest may not be affected until at least three hours afterward or within three hours after an event had occurred.

SENATOR BROMM: I...I agree that the time period begins to run at the time that the person is...ceases operating the vehicle. He must have been...it must be three hours within when he was operating the vehicle, not...that doesn't necessarily mean when